

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Johnnie L. Johnson,	)	
#253526,	)	
	)	Civil Action No. 0:08-2071-GRA
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Acting Warden Leroy Cartledge,	)	
	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court upon Petitioner's Objections to the magistrate's Report and Recommendation. Petitioner originally filed for relief under 28 U.S.C. § 2254, on June 3, 2008. Respondent filed a motion for summary judgment on October 27, 2008. The magistrate issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on December 12, 2008, advising Petitioner about the consequences of failing to respond to Respondent's motion. Petitioner filed a response in opposition to Respondent's motion on January 5, 2009.

On July 14, 2009, the magistrate issued an Order and Report and Recommendation pursuant to 28 U.S.C. § 636(b), and Local Rule 73.02(B)(2), D.S.C., granting Petitioner's motion to abandon unexhausted claims and recommending that Respondent's motion for summary judgment be granted. Petitioner only filed objections to the Report and Recommendation; he filed no objections to the Order. For

the reasons stated herein, this Court accepts the recommendation of the magistrate and GRANTS Respondent's motion for summary judgment.

Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.*

In order for objections to be considered by a United States District Judge, the objections must specifically identify the portions of the Order or Report and Recommendation to which the party objects and the basis for the objections. FED. R. CIV. P. 72(b); *see United States v. Schronce*, 727 F.2d 91, 94 n.4 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841, 845-47 nn.1-3 (4th Cir. 1985). "Courts have . . .

held *de novo* review to be unnecessary in . . . situations when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendation." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). None of the objections offered by Petitioner to the Report and Recommendation meet the above standard as they lack the specificity required for *de novo* review. Therefore, this Court will not address these objections.

After reviewing the record, and the Order and Report and Recommendation this Court finds that the magistrate applied sound legal principles to the facts of this case.

Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

Based on the foregoing, the Respondent's Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", is written over a horizontal line.

G. Ross Anderson, Jr.  
Senior United States District Judge

Anderson, South Carolina  
August 24, 2009

**NOTICE OF RIGHT TO APPEAL**

Petitioner is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.